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**Press Release**

## **MASSACHUSETTS TO ADOPT GROUND FISH MEASURES TO COMPLEMENT FEDERAL JUDGE'S REMEDIAL ORDER**

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On April 26 U.S. District Judge Gladys Kessler issued her Remedial Order in the groundfish lawsuit brought against the National Marine Fisheries Service (NMFS) by the Conservation Law Foundation (CLF) and other plaintiffs. Her Order uses as a baseline remedy the "Settlement Agreement Among Certain Parties" filed jointly on April 16 in the U.S. District Court for the District of Columbia.

The Division of Marine Fisheries (DMF), representing the Commonwealth, assisted the development of this remedy, which was made more restrictive by Judge Kessler. DMF's intent was to fashion a remedy with broad-based support designed to reduce overfishing and discards all the while sensitive to the many socioeconomic concerns of Massachusetts' valuable commercial and recreational fishing industries dependent on groundfish. Judge Kessler went further than we had expected. The Commonwealth has therefore decided to file a motion for the court to reconsider this order.

The Settlement Agreement supported by CLF and most of the parties to the lawsuit and those that later intervened was possible because most of the participants in mediation compromised, including DMF. Judge Kessler noted in her Opinion that the effort put forth by the settling parties represented "an extraordinary degree of consensus - after much give and take." Most agreed that a unified, pragmatic remedy strong on groundfish conservation and bycatch reduction was a far better alternative to the one initially urged by the Plaintiffs that would have had immediate devastating consequences for the Commonwealth: prolonged fisheries closures and greater discarding of groundfish caused by regulations.

Some parties to the mediation could not support the Agreement. Except for CLF and the Cape Cod Commercial Hook Fishermen's Association, the other Plaintiffs wanted more and immediate restrictions, despite the socioeconomic consequences. Regarding those consequences, DMF is well aware of the hardship the Agreement - and now the Judge's harsher remedy - will have on many Massachusetts fishermen who fish in the Gulf of Maine, particularly fishermen out of Gloucester and ports bordering Massachusetts and Cape Cod Bays.

Additionally, some of the initial proposals made by the National Marine Fisheries Service were dropped during mediation. Those proposals would have had a far greater impact on Massachusetts' commercial and recreational fishermen. NMFS was a party to the mediation and signed the Agreement with all the states (ME, NH, MA, and RI), CLF, and all but one fishing industry intervenor that included the City of Gloucester.

### Court Remedy

The Court's Remedy will create the following new federal restrictions for federal waters effective from May 1 through July 31, 2002. These restrictions will apply for all federally-permitted vessels fishing under a multispecies Day-at-Sea (DAS).

1. Restrict vessels from fishing more than 25% of their allocated DAS during May through July.
2. Count multispecies DAS as a minimum of 15 hours, for any trip longer than 3 hours.
3. Prohibit "front loading" of the DAS clock (require that vessels leave port within 1 hour after calling into the DAS program to prevent vessels from accumulating time for the purposes of fishing Gulf of Maine cod).
4. Close the inshore Western Gulf of Maine closure area.
5. Close the existing Cashes Ledge closure area year-round.
6. Close statistical area blocks 128 and 130 year-round, 124 and 125 during May and 132 and 133 during June.
7. Require 6½" diamond or 6½" square mesh codend for trawl vessels and 6½" mesh nets for trip gillnet vessels in Gulf of Maine.
8. Reduce dayboat gillnet allowance to 50 roundfish nets with minimum 6½" mesh, 100 flatfish nets with minimum 7 inch mesh, and 150 monkfish nets with minimum 10 inch mesh.
9. Increase cod minimum size limit to 22" for cod that may be sold and to 23" for charter, party, and private recreational vessels.
10. Prohibit use of de-hookers or "crucifiers" with no less than 6" spacing between the fairlead rollers.
11. Limit all charter and party recreational vessels in the Gulf of Maine to 10 cod/haddock per person.
12. Limit all private recreational vessels to 10 cod per person.
13. Vessels intending to charter/party fish in the Gulf of Maine closed areas must "declare into charter/party fishery" for the duration of the closure or for three months whichever is greater.
14. Subject to the changes listed above, all existing regulations and restrictions will continue to apply.

### Massachusetts Complementary Measures

Effective May 1 DMF will adopt on an emergency basis the following measures pertaining to area/season closures, mesh size increases, and recreational fishing rules for cod and haddock. Additional rules are expected later this summer (August 1) regarding additional fishing effort controls and gear restrictions needed to complement and support the Settlement Agreement and Judge Kessler's Remedy. The extreme lateness of this notice is due to the timing of the Court's Order.

1. **Southern Gulf of Maine state waters' closures each to be extended by one month.** This means the 4-month (January-April) groundfish closure in upper Cape Cod Bay and Mass. Bay (from Plymouth north to Marblehead) will be extended another month through May 31 and the existing 2-month closure (April-May) from Marblehead north to the New Hampshire border will be extended another month through June 30. Commercial fishing for spiny dogfish by longliners and gillnetters authorized by DMF for dogfish gillnetting will be allowed in these closed areas. Dogfish gillnetters are limited to 30 nets, are prohibited from leaving gear overnight, and must bring all gear home at the end of the trip. Trip limit is 7,000 lbs.
2. **January through March closure repealed** in upper Cape Cod Bay and Mass. Bay.
3. **Mesh size (opening) for gillnets to be increased** from 6" to 6½" for "stand-up" gillnets designed to catch cod and other roundfish and from 6" to 7" for "tie-down" gillnets used to catch flatfish.
4. **Cod minimum size increased** from 19" to 22" for commercial fishermen and from 21" to 23" for recreational anglers.
5. **Recreational daily bag limit of 10 cod and haddock combined** for any angler aboard for-hire vessels. A 10-fish limit is maintained for each angler aboard private vessels or from shore.
6. All existing state regulations will continue to apply in state waters.

DMF will continue to develop effective, viable, and enforceable measures for implementation in state waters in support of the Court's Order. Working with the Commonwealth's recreational and commercial fishermen, legislators and all concerned and affected by the developments within the Northeast groundfish fishery, DMF staff remains dedicated to protection of this resource and the historic fishery it continues to support.